

CHIROPRACTIC

CHAPTER 40	BOARD OF CHIROPRACTIC EXAMINERS
CHAPTER 41	LICENSURE OF CHIROPRACTIC PHYSICIANS
CHAPTER 42	SCHOOLS FOR CHIROPRACTIC PHYSICIANS
CHAPTER 43	PRACTICE OF CHIROPRACTIC PHYSICIANS
CHAPTER 44	CONTINUING EDUCATION FOR CHIROPRACTIC PHYSICIANS
CHAPTER 45	DISCIPLINE FOR CHIROPRACTIC PHYSICIANS
CHAPTER 46	FEES

CHAPTER 40
BOARD OF CHIROPRACTIC EXAMINERS

[Prior to 7/29/87, Health Department[470] Ch 141]

645—40.1(151) Definitions. The following definitions shall be applicable to the rules of the Iowa board of chiropractic examiners:

“*Board*” means the board of chiropractic examiners of the state of Iowa.

“*Department*” means the Iowa department of public health.

“*Director*” means the director of public health.

“*Disciplinary proceeding*” means any proceeding under the authority of the board pursuant to which licensee discipline may be imposed.

“*License*” means license to practice.

“*Licensee*” means a person licensed to practice chiropractic.

“*Licensee discipline*” or “*discipline*” means any sanction the board may impose upon licensees for conduct which threatens or denies persons of this state a high standard of professional care.

“*Profession*” means chiropractic.

645—40.2(151) Description of board. The purpose of the board of chiropractic examiners is to administer, interpret and enforce the provisions of Iowa Code chapter 151 and those other provisions of the Iowa Code which incorporate by explicit or implicit reference the practice of chiropractic. These powers include but are not limited to the examination of candidates, determining the eligibility of candidates for licensure by examination and endorsement, investigating violations and infractions of the laws relating to the practice of chiropractic, and revoking, suspending or otherwise disciplining a chiropractic physician who has violated the provisions of the chiropractic practice Acts.

645—40.3(151) Organization of board. The board is comprised of five members licensed to practice chiropractic and two representatives of the general public. The members are appointed by the governor and confirmed by the senate. The term of office is three years. The board:

40.3(1) Is a policy-making body relative to matters involving chiropractic education and licensure, postgraduate training and discipline.

40.3(2) Conducts business according to established policy as approved by the members.

40.3(3) Organizes annually and elects a chairperson, vice chairperson, superintendent of examinations, and secretary from its membership.

a. The chairperson shall preside at all meetings of the board, shall have power to vote, shall appoint committees when necessary to study issues, and shall follow Robert’s Rules of Order, Revised.

b. The vice chairperson shall act in the capacity of the chairperson in the absence of that officer.

c. The secretary shall keep an accurate and complete record of all transactions of the board. Copies of all such records will become public record and will be on file in the board office, Lucas State Office Building, Des Moines, Iowa 50319-0075, or the board's designated office.

d. The superintendent of examinations shall supervise the examination and make arrangements for the holding of the examinations in a proper manner.

40.3(4) Governs its proceedings by Robert's Rules of Order, Revised.

40.3(5) Receives the administrative and clerical support of a board administrator, hired by the department, who:

a. Is not a member of the board.

b. Under guidance of the members of the board, performs administrative activities relating to the department in the administration and enforcement of the laws relative to the practice of chiropractic.

40.3(6) Has the statutory authority to:

a. Administer, interpret, and enforce the laws and administrative rules relating to the practice of chiropractic;

b. Review or investigate, or both, upon written complaint or upon its own motion pursuant to other evidence received by the board, alleged acts or omissions which the board reasonably believes constitute cause under applicable law or administrative rule for licensee discipline;

c. Determine in any case whether an investigation, or further investigation, or a disciplinary proceeding is warranted;

d. Initiate and prosecute disciplinary proceedings;

e. Impose licensee discipline;

f. Petition the district court for enforcement of its authority with respect to licensees or with respect to other persons violating the laws which the board is charged with administering;

g. Establish and register peer review committees;

h. Refer to a registered peer review committee for investigation, review, and report to the board any complaint or other evidence of an act or omission which the board reasonably believes to constitute cause for licensee discipline. However, the referral of any matter shall not relieve the board of any of its duties and shall not divest the board of any authority or jurisdiction;

i. Determine and administer the renewal of licenses;

j. Establish and administer rules for continuing education requirements as a condition of license renewal.

645—40.4(151) Official communications. All official communications, including submissions and requests, should be addressed to the Board Administrator, Board of Chiropractic Examiners, Lucas State Office Building, Des Moines, Iowa 50319-0075.

645—40.5(151) Office hours. The office of the board is open for public business from 8 a.m. to 4:30 p.m., Monday to Friday of each week.

645—40.6(151) Meetings. Regular meetings of the board ordinarily are held at least quarterly. The board utilizes licensing examinations administered by the National Board of Chiropractic Examiners twice each year. At the discretion of the board, three-day licensing examinations may be administered by the board. These examinations may be in addition to national licensing examinations or in lieu of same. Information concerning the dates and locations for meetings and examinations may be obtained from the board office.

645—40.7(151) Public meetings. All meetings of the board shall be open and public and all citizens of Iowa shall be permitted to attend any meeting, except as otherwise provided by statute. The board may, by a vote of two-thirds of its members, hold a closed session for the following reasons:

1. To review or discuss records which are required or authorized by state or federal law to be kept confidential.
2. To discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosures would be likely to prejudice or disadvantage the position of the board in that litigation.
3. To discuss the contents of a licensing examination.
4. To initiate licensee disciplinary investigations or proceedings.
5. To discuss the decision to be rendered in a contested case conducted according to the provisions of Iowa Code chapter 17A.
6. To avoid disclosure of specific law enforcement matters, such as current or proposed investigations, which if disclosed would enable law violators to avoid detection.
7. To avoid disclosure of specific law enforcement matters, such as allowable tolerances or criteria for the selection, prosecution or settlement of cases, which if disclosed would facilitate disregard of requirements imposed by law.
8. To evaluate the professional competency of an individual whose appointment, hiring, performance or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation and that individual requests a closed session.

645—40.8(151) Oral presentations.

40.8(1) Prior to adoption, amendment, or repeal of any rule, the board shall give Notice of Intended Action by causing said notice to be published in the Iowa Administrative Bulletin. Written comments relating to the proposed action by the board may be submitted to the board at its official address no later than 20 days after the notice has been published. The administrative rules review committee may, under the provisions of Iowa Code section 17A.8(6), on its own motion or on written request by any individual or group, review this proposed action at a regular or special meeting where the public or interested persons may be heard. An oral presentation shall be scheduled prior to the adoption, amendment or repeal of any rule(s) provided the request for presentation is in writing, received no later than 20 days after the notice has been published and the request for presentation is made by 25 interested persons, a governmental subdivision, an agency, an association of 25 persons, or upon the discretion of the board.

40.8(2) The chairperson of the board or a presiding officer appointed by the board shall preside over the oral presentation.

a. The date, time and location of the oral presentation shall be set by the board. The appropriate individuals, governmental subdivisions, agencies or associations making the request shall be notified of said date, time and location of presentation by certified mail.

b. Any individual(s) may present either written or oral comments pertinent to the rule(s) for which the oral presentation has been scheduled. Any individual(s) desiring to make written comments shall submit these comments to the presiding officer prior to the presentation date. Any individual(s) desiring to make an oral presentation shall submit a written request to the board prior to the presentation date.

c. The authority of the chairperson of the board or presiding administrative law judge during the oral presentation includes:

- (1) Setting a ten-minute time limit on oral presentations if necessary;
- (2) Excluding any individual(s) who may be either disruptive or obstructive to the oral presentation; and
- (3) Ruling that the oral presentation or discussion, or both, is not pertinent to the oral presentation.

d. The conduct of the chairperson of the board or presiding officer during the oral presentation shall include but need not be limited to:

- (1) Opening the oral presentation and receiving appearances.
- (2) Entering the oral presentation into the public record.
- (3) Receiving oral presentations.
- (4) Reading into the official public record written comments which have been submitted.
- (5) Adjourning the oral presentation.

These rules are intended to implement Iowa Code chapters 147, 151, and 272C.

[Filed 12/15/52]

[Filed 9/27/76, Notice 6/14/76—published 10/20/76, effective 11/24/76]

[Filed without Notice 2/3/77—published 2/23/77, effective 3/30/77]

[Filed 3/31/78, Notice 2/8/78—published 4/19/78, effective 5/24/78]

[Filed 7/7/78, Notice 4/19/78—published 7/26/78, effective 8/30/78*]

[Filed 8/18/78, Notice 2/8/78—published 9/6/78, effective 10/11/78]

[Filed emergency 9/11/78—published 10/4/78, effective 9/11/78]

[Filed 9/14/78, Notice 8/9/78—published 10/4/78, effective 11/8/78]

[Filed 10/5/78, Notice 7/26/78—published 11/1/78, effective 12/6/78]

[Filed 7/18/79, Notice 6/13/79—published 8/8/79, effective 9/12/79]

[Filed 8/17/79, Notice 2/21/79—published 9/5/79, effective 10/11/79]

[Filed emergency 8/30/79—published 9/19/79, effective 8/30/79]

[Filed emergency 8/31/79—published 9/19/79, effective 8/31/79]

[Subrule 141.1(4) rescinded by Governor's Administrative Rules Executive Order No. 2, 10/9/79—published 10/31/79]

[Filed 11/21/80, Notice 10/1/80—published 12/10/80, effective 1/15/81]

[Filed 2/19/81, Notice 12/10/80—published 3/18/81, effective 4/22/81]

[Filed 6/19/81, Notice 5/13/81—published 7/8/81, effective 8/12/81]

[Filed 10/9/81, Notice 9/2/81—published 10/28/81, effective 12/2/81]

[Filed 1/28/82, Notice 11/11/81—published 2/17/82, effective 3/24/82]

[Filed 4/9/82, Notice 2/17/82—published 4/28/82, effective 6/2/82]

[Filed 11/30/82, Notice 8/18/82—published 12/22/82, effective 1/26/83]

[Filed 5/13/83, Notice 3/16/83—published 6/8/83, effective 7/13/83]

[Filed 12/14/83, Notice 8/3/83—published 1/4/84, effective 2/8/84]

[Filed 1/13/84, Notice 10/12/83—published 2/1/84, effective 3/7/84**]

[Filed emergency 3/14/84 after Notice 1/4/84—published 4/11/84, effective 3/15/84]

[Filed 6/1/84, Notice 1/4/84—published 6/20/84, effective 7/25/84]

[Filed 6/15/84, Notice 2/29/84—published 7/4/84, effective 8/8/84]

[Filed 10/15/84, Notice 6/6/84—published 11/7/84, effective 12/12/84]

[Filed 12/26/84, Notice 7/4/84—published 1/16/85, effective 2/20/85]

[Filed 8/7/85, Notice 3/27/85—published 8/28/85, effective 10/2/85]

[Filed 10/31/85, Notice 7/3/85—published 11/20/85, effective 12/26/85]

[Filed 1/17/86, Notice 9/25/85—published 2/12/86, effective 3/19/86]

[Filed 7/23/86, Notice 4/9/86—published 8/13/86, effective 9/17/86]

[Filed 10/15/86, Notice 8/13/86—published 11/5/86, effective 12/10/86]

[Filed 4/3/87, Notice 2/25/87—published 4/22/87, effective 5/27/87]

[Filed emergency 7/10/87—published 7/29/87, effective 7/10/87]

[Filed 11/13/87, Notice 7/15/87—published 12/2/87, effective 3/1/88]

[Filed 8/30/88, Notice 6/29/88—published 9/21/88, effective 10/26/88]

[Filed 11/9/89, Notice 9/20/89—published 11/29/89, effective 1/30/90]

*Effective date of 141.51 delayed by the Administrative Rules Review Committee 70 days from August 30, 1978.

**Effective date of 141.11(1), 141.11(2), 141.11(3) "a" and 141.13(6) delayed by the Administrative Rules Review Committee 70 days from March 7, 1984.

[Filed emergency 1/5/90—published 1/24/90, effective 1/5/90]
[Filed emergency 7/31/92 after Notice 4/29/92—published 8/19/92, effective 7/31/92]
[Filed 7/31/92, Notice 4/29/92—published 8/19/92, effective 9/23/92]
[Filed 11/3/95, Notice 7/19/95—published 11/22/95, effective 12/27/95]
[Filed 1/24/97, Notices 11/6/96, 12/4/96—published 2/12/97, effective 3/19/97]
[Filed 5/16/97, Notice 2/26/97—published 6/4/97, effective 7/9/97]
[Filed 4/2/99, Notice 1/27/99—published 4/21/99, effective 5/26/99]
[Filed 5/28/99, Notice 3/24/99—published 6/16/99, effective 7/21/99]
[Filed 12/8/00, Notice 10/18/00—published 12/27/00, effective 1/31/01***]
[Filed 7/3/02, Notice 5/1/02—published 7/24/02, effective 8/28/02]

***Effective date delayed 70 days by the Administrative Rules Review Committee at its meeting held January 29, 2001; delay lifted by the committee at its meeting held February 9, 2001, effective 2/10/01.